

From: Deborah.Easterling
Sent: Tuesday, June 11, 2013 8:22 AM
To: Daphne.Duke
Subject: FW: Docket No. 2013-59-E - Duke Energy Carolinas, LLC's Objection to Petition to Intervene of Joseph Wojcicki
Attachments: Wojcicki-Contra-Duke.doc; Petition2Intervene_2013-6-3.doc

From: joe4ocean@aim.com [mailto:joe4ocean@aim.com]
Sent: Monday, June 10, 2013 8:18 PM
To: THawkins@robinsonlaw.com; rlwhitt@austinrogerspa.com; jfantry@bellsouth.net; selliott@elliottlaw.us; sroberts@spilmanlaw.com; dwilliamson@spilmanlaw.com; Edwards, Courtney; Edwards, Nanette; Hudson, Shannon; PSC_Contact; joe4ocean@aim.com
Cc: heather.smith@duke-energy.com; alex.castle@duke-energy.com; timika.shafeek-horton@duke-energy.com; barbara.yarbrough@duke-energy.com; BShealy@robinsonlaw.com; fellerbe@robinsonlaw.com
Subject: Re: Docket No. 2013-59-E - Duke Energy Carolinas, LLC's Objection to Petition to Intervene of Joseph Wojcicki

Please find My [Wojcicki's] Response to Duke Energy Carolinas Objections to [my] Petition to Intervene.

Joseph Wojcicki

P.S. For review amd compare documents, the Petition is also enclosed. Files are in MS Word format..

-----Original Message-----

From: Toni Hawkins <THawkins@robinsonlaw.com>
To: 'rlwhitt@austinrogerspa.com' <rlwhitt@austinrogerspa.com>; 'jfantry@bellsouth.net' <jfantry@bellsouth.net>; 'sellott@elliottlaw.us' <sellott@elliottlaw.us>; 'sroberts@spilmanlaw.com' <sroberts@spilmanlaw.com>; 'dwilliamson@spilmanlaw.com' <dwilliamson@spilmanlaw.com>; 'joe4ocean@aim.com' <joe4ocean@aim.com>; 'cedwards@regstaff.sc.gov' <cedwards@regstaff.sc.gov>; 'nsedwar@regstaff.sc.gov' <nsedwar@regstaff.sc.gov>; 'shudson@regstaff.sc.gov' <shudson@regstaff.sc.gov>
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Sent: Mon, Jun 10, 2013 10:34 am
Subject: Docket No. 2013-59-E - Duke Energy Carolinas, LLC's Objection to Petition to Intervene of Joseph Wojcicki

Please see attached Duke Energy Carolinas, LLC's Objection to Petition to Intervene of Joseph Wojcicki which has been filed electronically with the Commission.

Thank you,

Toni

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244546

STATE OF SOUTH CAROLINA
BEFORE THE PUBLIC SERVICE COMMISSION
DOCKET No. 2013-59-E

IN MATTER OF:

Application of Duke Energy Carolinas,
LLC for Authority to Adjust and Increase
Its Electric Rates and Charges

**RESPONSE TO DUKE ENERGY
CAROLINAS OBJECTIONS TO
PETITION TO INTERVENE**

DUKE ENERGY CAROLINAS, LLC'S legal team (LT) has completely failed to show the cause of absence of Standing in their case by Petitioner Wojcicki. Public Service Commission of SC (PSC) is asked to overrule their Objections and grant the intervenor status to Petitioner Wojcicki in above case.

COUNTERARGUMENTS.

LT is citing old verdicts (e.g. from 1973, 1985, 1992); some that even do not correspond to field of nuclear projects, e.g. *Sea Pines Ass'n. for Protection of Wildlife v. S.C. Dept. of Natural Resources*, 345 S.C. 594, 550 S.E.2d 287, 291 (Sup.Ct. 2001), quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-561 (1992). This process will be conducted in 2013 when energy production, especially by nuclear stations must be verified in serious engineering analysis, some with new criteria and must not by refused using legal tricks.

PSC may find their Order 2011-264 where similar LT Objections to Petition to Intervene of Tom Clements were overruled. Mr. Clements is also not a Duke customer. His standing has been fully confirmed even he has less supporting factors then I [Wojcicki]. "*Wojcicki is not an electric customer...*" but is an electric engineer and energy consultant who knows principles of production and distribution of electric energy as well as functions of grid, smart grid, rules of safety and industry hazards. All these factors can injure ratepayers as well as the petitioner. LT is arrogant ignoring *inter alia* interconnections to SCE&G Jenkinsville project which can suffer by Duke's projects. All of presented LT's arguments are the proof of LT's disrespect of Chernobyl and Fukushima lessons. Let me just remind that Japanese electric utility blamed, after Fukushima disaster, Regulatory Commissions for their too liberal, non-transparent decisions! The [regulatory] lessons that must be learned by entire world.

Because LT does not present any real/factual position in this situation, intentionally or not, is creating a problem for Commission to fulfill their obligation for public as well as for SC State economy.

Seems to be childish, from the simply common sense view, statement "*Petitioner's interest in the age of Duke Energy's nuclear facilities and costs associated with the Company's compliance with the Nuclear Regulatory Commission's ("NRC") orders and regulations relating to Fukushima are not sufficient (why?) to demonstrate that he is personally injured or will be adversely affected by the outcome of this proceeding.*" (Read Clements' **Response to Duke Energy Carolinas, LLC's Objections to Petition to**

JUN 11 2013

PSC SC
MAIL / CMS

Intervene of Tom Clements dated 2011-3-25 (docket 2011-20-E doc # 228797). LT again repeats illogical, without merit claims which were already overruled. Of course LT would like to have nice legal/academic discussion without engineering analysis but this is not the “fair and open process” in 2013 after Fukushima. Interesting is Clements’, kind of *ad absurdum* logic used to prove that LT’s claims are the pure nonsense.

A “*general public in fear*” is the resistance to nuclear way to produce electricity and is a side effect of “secret negotiations” behind the “closed doors”. Here is not clear why LT uses word “public” to attack Wojcicki’s standing.

In Section B. LT tried to delete the fact of their failure in case 2011-20-E with blocking Mr. Clements. Their other claims suppose to be supported by blind and surely without merit are cited with mostly old and without factual connection to nuclear reality legal findings. Therefore, I have a right to bring to PSC and other readers attention, Clements’ 16 + 5 pages in almost identical case which is known to parties and PSC without “copying and pasting” his explanations, logical claims and facts just to save the paper by giving links.

CONCLUSION

Duke’s Legal Team (LT) had no rights to block Mr. Clements to become an intervenor in 2011-20-E; LT has no right to do the same now in 2013-59-E with my Petition, especially after Fukushima.

Respectfully submitted,

Joseph Wojcicki – MSEE, consultant in BYPAS INTERNATIONAL
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2013 June 10